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Law of the Sea Country Study

Burma

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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the Chairman of the Task Force.

Each study includes, as Part I an analyses of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED]

[REDACTED] Part II provides basic data bearing on law of the sea matters.

This study was prepared by the Office of Basic and Geographic Intelligence. [REDACTED]

[REDACTED] The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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Maps included:

- Middle East - South Asia Regional Map
- Theoretical Division of the World Seabed

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Part I - Law of the Sea Policies

A. SUMMARY

Burma's principal LOS concerns involve potential extensive offshore petroleum resources and, to a lesser extent, coastal fisheries. She favors a 12-n. mile territorial sea, as well as a 12-n. mile exclusive fishing zone, but on other LOS issues Burma appears to be reserving her position. There is a paucity of official statements on the LOS issues. Burma has not been active in international forums concerned with LOS issues. Burma was not a member of the UN Seabed Committee although she was an observer at the six preparatory sessions of the Committee for the Third Law of the Sea Conference and the organizational session of the Conference. Burma is probably restrained by a possible conflict between a desire to protect her interests on the continental margin and, at the same time, to maintain her position with other developing countries.

It is likely, however, that Burma will support a coastal economic zone, probably with national jurisdiction extending seaward to 200 n. miles, and oppose use of the seabed for military purposes.

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B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features

Burma has one of the larger continental shelf areas in the world. The physical shelf extends 20 to 360 n. miles off the mainland to depths of 180 to 360 meters. The average width of the shelf is about 50 n. miles, and the depth at the shelf edge is 200 meters almost everywhere. Within the 200-meter isobath the shelf area is about 66,900 square n. miles -- more than one-half the area of its continental margin (111,300 square n. miles). In the Andaman Sea, Burma shares the shelf with India (Andaman and Nicobar Islands), the theoretical median-line boundary between the two States everywhere lying less than 200 n. miles off Burma. Only in the Bay of Bengal does the median line boundary lie more than 200 n. miles offshore; here the boundary is with India and Bangladesh and extends out to a depth of 2,500 meters.

Uses of the Sea

Mineral Resources -- Chances of finding commercial quantities of offshore petroleum are good. In 1971 the Myanma Oil Corporation, the government's oil monopoly, awarded a contract to a US drilling company (Reading and Bates of Tulsa, Oklahoma) to drill exploratory wells in the Gulf of Martaban, the most promising area. The first two wells drilled in 1972 were dry, but the third well struck high-pressure natural gas in September 1972. In the summer of 1973 more than 50 private foreign firms were invited to submit proposals for the exploitation of petroleum on a production-sharing arrangement. Nineteen (14 American) of the original 50 firms began a second round of negotiations in November 1973 and reportedly about seven firms will begin drilling in early 1974.

Living Resources -- Next to rice, fish is the most popular food in Burma, and much of the catch is used in fish products, including a fish paste called ngapi, a dietary staple. Poor transportation and preservation facilities limit the sale of fresh fish. Canning is not practiced in the fish processing industry, which is limited largely to such primary curing methods as drying or salting or a combination of the two.

The 1969/70 fish catch was estimated at 432,000 metric tons, an increase of about 25% compared with the 1961/62

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output. Offshore fishing in 1969/70 accounted for about 60% of the total catch compared with 40% in 1966/67, largely because the coastal and deep sea fleet was expanded from 46 to 75 vessels in the interim. In its continuing effort to increase fish production the government has conducted training courses in deep sea fishing and has expanded the fishing fleet to more than 100 vessels, including five deep sea fishing trawlers that operate principally in the Mergui Archipelago area. Coastal species such as Indian shad, marine catfish, threadfin, Indian salmon, mullet, sea bass, and shrimp constitute the bulk of the catch. Apparently the fishing fleet confines its operations to the waters off Burma.

Thai fishermen poaching within the 12-n. mile limit of Burma's territorial waters in the Mergui Archipelago area have caused friction between the two governments. In 1970 an estimated 90 Thai fishing craft were captured by the Burma Navy; one patrol boat commander claimed to have captured four fishing craft, sunk a fifth, and seized seven smuggling boats within 4 months. Aside from warning their fishermen the Thais apparently have done little to stop the poaching; as recently as January of this year, Burmese naval craft sank a Thai fishing trawler and detained two others in the Mergui Archipelago area.

Marine Transportation -- Merchant shipping is vital to the economy of Burma. International trade is conducted almost exclusively by sea, and about 85% of this trade passes through Rangoon.

The government-owned merchant fleet (nine ships of 1,100 gross register tons) carries about 30% of the trade volume. Together with Burmese-chartered foreign ships (nine charters in 1968-69) and foreign-operated ships, the fleet maintains regular cargo service between Burma and Europe, West Africa, the United States, the Persian Gulf, Pakistan, India, Sri Lanka, Malaysia, Singapore, Hong Kong, and the People's Republic of China. Rice, teak, mineral ores (lead, zinc, and silver), and rubber are the principal exports. Much of Burma's export trade is directed to the rice consuming countries of Asia. In 1969 these countries accounted for about 45% of Burma's total exports, India being the leading recipient. Western Europe, led by the United Kingdom, accounted for 25%. Principal imports carried by the fleet include textiles, coal and coke, machinery and transport equipment, and petroleum products. Japan is Burma's principal supplier, followed by the United Kingdom and the Federal Republic of Germany.

In addition to the oceangoing fleet, about 19 ships of 100 to 999 gross register tons are registered in Burma and operate in the important coastal and near-seas trade.

Naval Considerations -- Burma's navy is a riverine and coastal patrol force of 68 operational small ships and craft, two-thirds of which are patrol craft. Essentially an internal security force, its principal mission is to counter smuggling, poaching, and insurgency. The major focal point of its coastal operations has been in Burmese territorial waters off the east coast of the Andaman Sea, where the prime objective has been to drive poaching Thai fishermen from the Mergui Archipelago.

Political and Other Factors

Since her independence in 1948, Burma's foreign policy has stressed neutrality, nonalignment, and noninvolvement. Regional affiliations have been carefully avoided, and the country's stands on controversial international issues have been cautious. Recently, however, there have been signs of change in her stance of restrained diplomacy abroad and restricted foreign influence at home. Immediately following the Vietnam cease-fire, Burma startled other Southeast Asian countries in calling for them to "seek together ways and means for securing peace in the region," encouraging these and other countries to believe Burma was more inclined to participate in regional activities than before. Lacking the ability to exploit her potential extensive offshore petroleum deposits, Burma decided in mid-1973 to permit exploitation by foreign firms on a production-sharing arrangement. The prospects of discovering commercial quantities are encouraging, and the government is relying on offshore oil as a new source of urgently needed foreign exchange.

Burma belongs to several international organizations but generally has not taken an active role. She supports the 18-nation Disarmament Committee's Geneva resolution on general and complete disarmament, ratified the August 1963 treaty banning nuclear tests in the atmosphere and under water, and ratified the February 1971 treaty prohibiting storage on the ocean floor of nuclear weapons and weapons of mass destruction.

As one of the Group of 77, Burma is concerned with keeping in step with the leaders among the other developing countries. As a member of the UN she generally has voted with the non-aligned States on controversial East-West issues.

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By and large, relations with the United States are friendly but have reflected Burma's hypersensitivity over the extent of foreign influence. Relations with the United Kingdom are generally satisfactory. Burma enjoys a special economic relationship with Japan; her economy has depended heavily on Japanese reparations and preferential economic and financial concessions, including a \$10 million loan plus a \$2 million grant for oil exploration.

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C. LAW OF THE SEA POLICY

Territorial Seas

Burma adopted a 12-n. mile territorial sea limit in 1968 and, although concerned with offending the Latin Americans, at the same time she expressed the view that this should be the maximum limit. She has not recently addressed the topic, particularly as to conditioning the 12-n. mile limit with passage through straits or acceptance of a coastal economic zone. Burma claims a 12-n. mile territorial sea measured from straight baselines that enclose the Mergui Archipelago and the islands off the Bay of Bengal coast of Burma and lie seaward of the mouth of the Gulf of Martaban; at one point on the Gulf's closing line the nearest land is 75 n. miles away.

Straits

Although Burma has not taken an official position on the straits issue, a Ministry of Foreign Affairs official in mid-1970 observed -- in reference to a US draft on innocent passage -- that Burma agreed with the generally held concepts of international law on straits and innocent passage. Burma's imports from the east, however, flow mainly through the Strait of Malacca, and she may thus see to her advantage a straits regime that affords some form of non-prejudicial passage.

Coastal State Jurisdiction Beyond the Territorial Sea

Burma claims a 12-n. mile exclusive fishing zone and has shown no interest in extending the zone farther seaward. Accordingly, she probably will favor such an exclusive fisheries limit. However, with the new prospect of finding commercial quantities of oil on her continental shelf, Burma is concerned with protecting her interests on the extensive continental margin beyond the territorial sea and is likely to favor coastal state jurisdiction over a broad economic resource zone. Limiting national jurisdiction to a depth of 200 meters would severely reduce Burma's share of the margin, but on the other hand, extending national jurisdiction to the edge of the margin would result in little gain to Burma. In the Andaman Sea, the most promising area of petroleum assets beyond the territorial sea, Burma's jurisdiction abuts with India and falls far short of the margin edge. Therefore, a 200-n. mile economic resource zone, which would include all of the Burmese shelf and then some, is likely to be favored.

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Deep Seabed

Burma has thus far remained silent on the status of the deep seabed. She abstained from voting on the 1969 UN resolution which called for all states and entities to refrain from exploiting the resources of the deep seabed pending establishment of an international authority.

Marine Pollution

Standards and Enforcement -- Although no position has been taken on the pollution issue, Burma has given indications of possible support of the right of the coastal state to prescribe and enforce vessel-source pollution control measures. During the "Manhattan" case, Burmese officials were especially interested in the Canadian claims in the Arctic and the exchange of notes between the United States and Canada over jurisdiction in the arctic waters north of Canada. Burma has suggested that extension of pollution jurisdiction may be necessary beyond 12 n. miles, and has charged that the Intergovernmental Maritime Consultative Organization is "too dominated" by the maritime powers, apparently in reference to international pollution control measures and the proposed use of IMCO to set vessel-source pollution standards.

Pollution Zone -- It is highly unlikely that Burma would support coastal state control of a pollution zone more than 40 to 50 n. miles wide. In the event that her neighbors opt for such a zone, Burma would find herself in a largely "zone-locked" situation. Conceivably, Burmese maritime traffic through the Indian, Thai, and Indonesian zones could be denied, thereby depriving Burma of transit of the Strait of Malacca and restricting oceangoing traffic to and from Rangoon and to other ports on the Gulf of Martaban and the Andaman Sea to the channels north of the Andaman Islands.

Peaceful Uses of the Sea

Burma voted in favor of the UN Resolution on the Indian Ocean as a Zone of Peace and can be expected to strongly oppose any provision sanctioning the use of the seabed of the coastal zone for military purposes and may well oppose such use of the deep seabed.

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D. KEY POLICY MAKERS AND LOS NEGOTIATORS

The ultimate authority in the Burmese Government is held by U. Ne Win, who is President of the recently proclaimed socialist republic and chairman of the sole political party, the Burma Socialist Program Party.

Chief Justice Dr. Maung Maung as of August 1970 chaired an interagency committee concerned with preliminary work on the development of Burma's LOS position. No information is available on Dr. Maung Maung's LOS activities since August 1970.

Daw Than Han is the most knowledgeable official on LOS matters in the Ministry of Foreign Affairs. She is the Chief of the Europe and America Division of the Ministry. Reportedly, she attended the UN General Assembly session in late 1970, but there is no indication of her attendance at any of the six UN Seabed Committee preparatory sessions or the organizational session of the Third UN Conference on LOS.

Burmese official delegates who attended (as observers) one or more of the preparatory sessions for the Third UN Conference on LOS or the organizational session of the Conference are as follows:

	Seabed Committee Session						Org. Conf. Dec 73
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
U KYAW MIN, First Secretary, Charge d'Affaires a.i., Embassy of Burma, Berne, Switzerland	X	X			X		
H.E. U LWIN, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the UN							X
*U KYAW MYINT, First Secretary, Deputy Permanent Representative to the UN							X
U NYUNT MAUNG SHEIN, Second Secretary, Burmese Embassy				X		X	
UTUN NAING, Second Secretary, Permanent Mission to the UN			X		X		X
H.E. U WIN PE, Ambassador to Switzerland				X		X	

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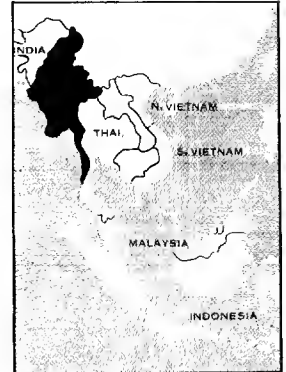
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Part II - Basic Information

BASIC DATA

GEOGRAPHIC DATA:

World region: Southeast Asia and Pacific
Bordering states: Bangladesh, India, People's Republic of China, Laos, Thailand
Characteristic: coastal
Bordering bodies of water: Gulf of Martaban, Andaman Sea, Bay of Bengal
Bordering semi-enclosed sea: Andaman Sea
Area of continental shelf: 66,900 sq. n. mi., shared with India
Area to 200 n. mi. limit: 148,600 sq. n. mi., shared with India
Area to edge of continental margin: 111,300 sq. n. mi.
Coastline: 1,900 mi.
Land: 262,000 sq. mi.
Population: 29,809,000



INDUSTRY AND TRADE:

GDP: \$2 billion (FY72), \$70 per capita
Major industries: agricultural processing, textiles and footwear; wood and wood products; petroleum refining
Exports: \$116 million (f.o.b., 1972); rice, teak
Imports: \$133 million (c.i.f., 1972); machinery and transportation equipment, textiles, other manufactured goods
Major trade partners: exports -- India, Western Europe, U.K., Japan; imports -- Japan, U.K., Western Europe, India
Merchant marine: 9 cargo ships (1,000 GRT or over) totaling 55,500 GRT

MARINE FISHERIES:

Catch: 443,000 metric tons (more than 60% marine); valued at \$80 million (both marine and freshwater) in 1971
Economic importance: minor national, major local
Nature: coastal
Species: Indian shad, marine catfish, threadfin, Indian Salmon, mullet, sea bass, shrimp
Marine fisheries techniques: primarily artisanal, limited modern
Distant-water fishing countries fishing off coast: Thailand

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PETROLEUM RESOURCES:

Crude Oil: proved recoverable reserves - (onshore) 6 million
42-gal bbl, 1 million metric tons; production - (onshore)
6.7 million 42-gal bbl, 0.9 million metric tons (1971)
Natural gas: proved recoverable reserves - (onshore) 100
billion cubic feet, 3 billion cubic meters;
production - (onshore) 4.2 billion cubic feet, 0.1
billion cubic meters (1971)

NAVY:

Ships: no principal combatants, 14 coastal patrol, 31
river/roadstead patrol craft, 1 mine warfare, 4
amphibious craft, 4 auxiliary, 14 service craft (S)

GOVERNMENT LEADERS:

U Ne WIN, President; U Kyaw SOE, Foreign Minister

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PRESENT OCEAN CLAIMS:

TYPE	DATE	TERMS	NOTES
TERRITORIAL SEA	--	3 n. m.	Followed British Claim. Burma part of India until 1937. Burmese Note A-287/D July 5, 1951
	1968	12 n. m.	Decree of Nov. 15, 1969 See <u>Limits in the Seas</u> No. 14 issued by The Geographer, Bureau of Intelligence and Research, Department of State.
CONTINENTAL SHELF	1957	--	Act No. 55, 1957 Petroleum Resources (Development and Regulation) Act 1957, Sec. 2 (C)
	1962	--	Convention definition Concession Rules 1962 (status uncertain)
EXCLUSIVE FISHING	1968	12 n. m.	--
STRAIGHT BASELINES	1968	Extensive straight baselines	Decree of Nov. 15, 1968 See <u>Limits in the Seas</u> No. 14 issued by The Geographer, Bureau of Intelligence and Research, Department of State.

CONVENTIONS:

Multilateral:

Agreement for Establishment of the Indo-Pacific Fisheries Council, 1948
 (IMCO) International Convention for the Safety at Sea, 1960
 Nuclear Test Ban Treaty, 1963

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ACTION ON SIGNIFICANT UN RESOLUTIONS:

Moratorium Resolution

(A/RES/2574 D, XXIV, 12/15/69)

Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.

- Abstain

LOS Conference

(A/RES/2750 C, XXV, 12/17/70)

Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.

- Abstain

LOS Conference, Timing and Site

(A/RES/3029 A, XXVII, 12/18/72)

- (Adopted without vote)

Indian Ocean as a Zone of Peace
(A/RES/2992, XXVII, 12/15/72)

Called upon littoral and hinterland States of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.

- In favor

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ACTION ON SIGNIFICANT UN RESOLUTIONS (cont'd):

Landlocked/Shelf-Locked Study

Resolution

(A/RES/3029 B, XXVII, 12/18/72)

Called for study of extent and economic significance, in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Committee on Peaceful Uses of the Seabed.

- Abstain

Peruvian Coastal State Study

Resolution

(A/RES/3029 C, XXVII, 12/18/72)

Called for study of potential economic significance for riparian States, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.

- Abstain

Permanent Sovereignty over

Natural Resources

(A/RES/3016 XXVII, 12/18/72)

Reaffirmed right of States to permanent sovereignty over all their natural resources, including those found in the seabed and the subsoil thereof within their national jurisdiction and in the superjacent waters.

- In favor

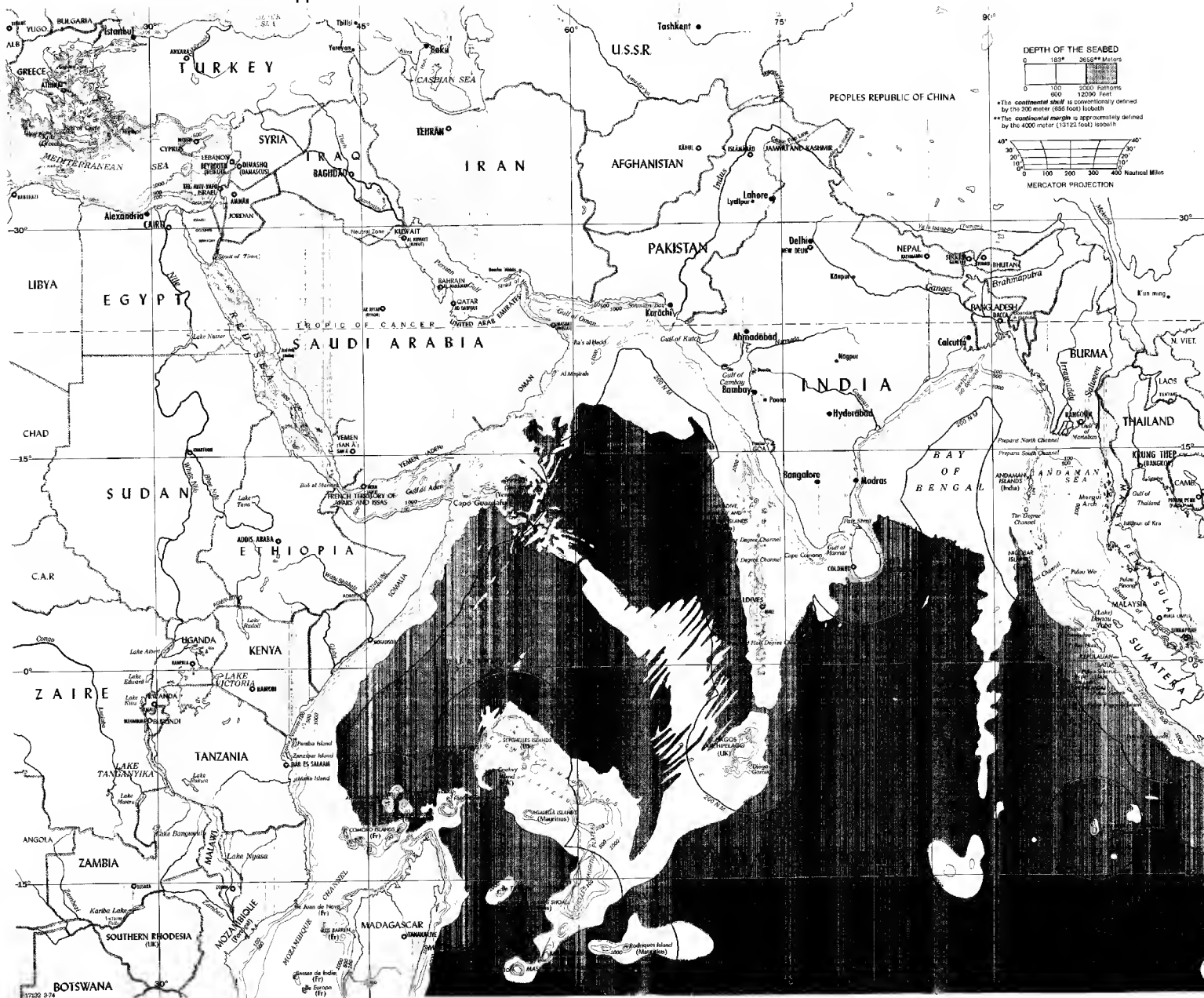
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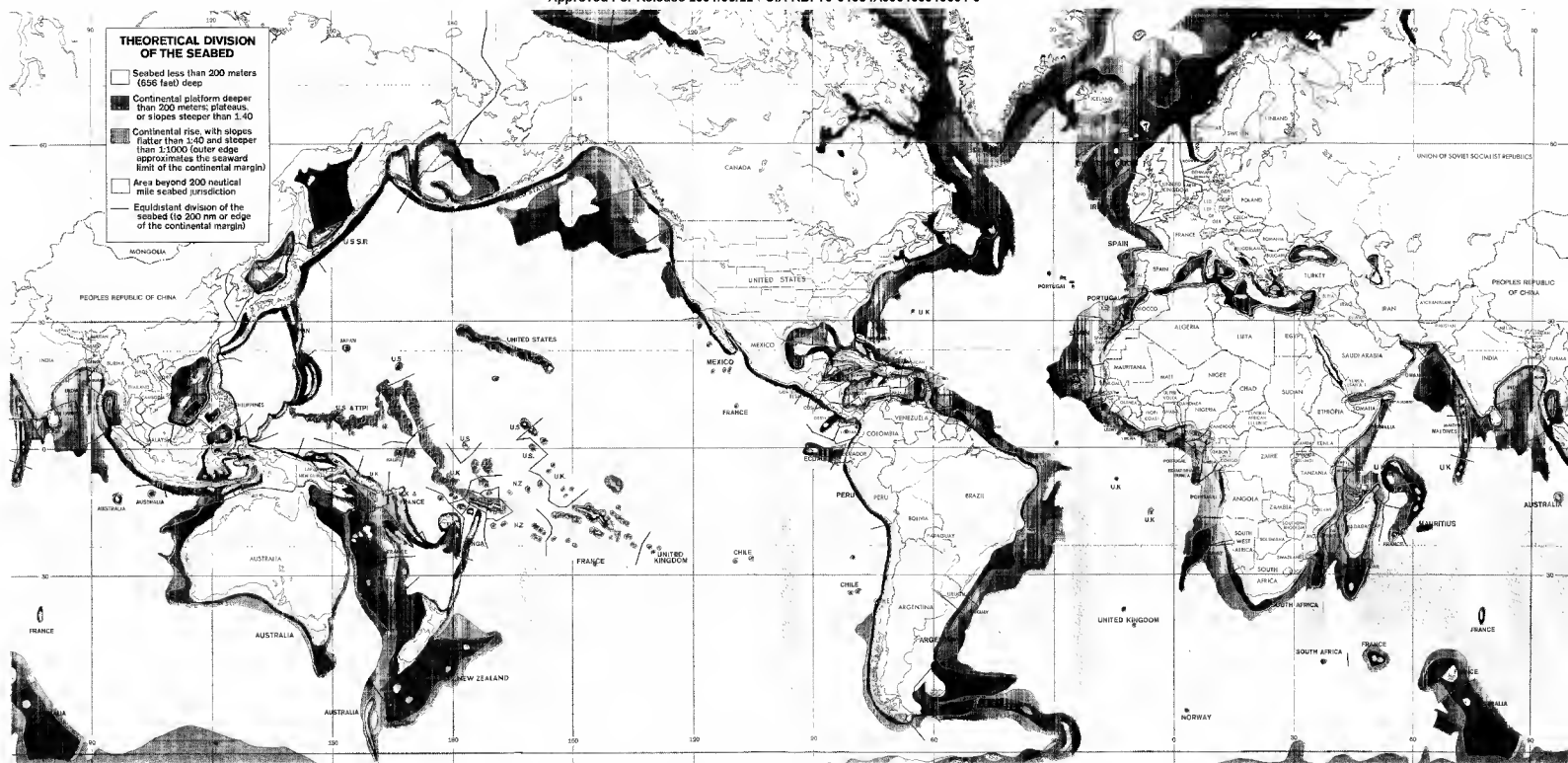
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MEMBERSHIP IN ORGANIZATIONS RELATED TO LOS INTERESTS

Colombo Plan

FAO	- Food and Agriculture Organization
IAEA	- International Atomic Energy Agency
IBRD	- International Bank for Reconstruction and Development (World Bank)
ICAO	- International Civil Aviation Organization
IDA	- International Development Association (IBRD Affiliate)
IFC	- International Finance Corporation (IBRD Affiliate)
IMCO	- Inter-Governmental Maritime Consultative Organization
IMF	- International Monetary Fund (FUND)
ITU	- International Telecommunication Union
Seabeds Committee (observer)	- United Nations Committee on the Peaceful Uses of the Seabed and Ocean Floor beyond the Limits of National Jurisdiction
UNESCO	- United Nations Educational, Scientific, and Cultural Organization
WHO	- World Health Organization
WMO	- World Meteorological Organization





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